Senate Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
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CHAPTER 175

SENATE BILL 1607

AN ACT

AMENDING SECTION 37-623.02, ARIZONA REVISED STATUTES; RELATING TO THE STATE FORESTER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 37-623.02, Arizona Revised Statutes, is amended to read:

37-623.02. Emergencies; prohibiting fireworks; liabilities and expenses; fire suppression revolving fund

A. On request of the state forester, the governor may authorize the state forester to incur liabilities for suppressing wild land fires and responding to other unplanned all risk activities from unrestricted monies in the state general fund whether or not the legislature is in session.

B. The state forester ~~shall have~~ HAS the authority to prohibit the use of fireworks during times of high fire potential in the unincorporated areas of the state.

C. The state forester or the state forester's designee shall review all liabilities incurred and expenditures made under this section and shall report the expenditures to the department of administration for audit according to department of administration rules. The state forester shall transmit a copy of the report to the state emergency council.

D. Liabilities incurred under this section are subject to the following limitations:

1. Wild land fire suppression or other unplanned all risk emergency liabilities shall not exceed two million dollars of state general fund monies pursuant to subsection A of this section in a fiscal year for costs associated with suppressing wild land fires and supporting other unplanned all risk activities such as fire, flood, earthquake, wind and hazardous material responses. The state forester shall not incur nonreimbursable liabilities for support of nonfire all risk activities.

2. The governor may authorize the state forester to spend an additional one million dollars of state general fund monies pursuant to subsection A of this section to prepare for periods of extreme fire danger and pre-position equipment and other fire suppression resources to provide for enhanced initial attack on wild land fires. The governor shall determine when periods of extreme fire danger exist and must approve any expenditure for pre-positioning activities.

3. If the funding authorizations in paragraph 1 or 2 ~~of this subsection~~ are exhausted, or if the nonreimbursable liabilities incurred exceed the cash balance of the fire suppression revolving fund, the state forester shall not incur additional liabilities without the consent of a majority of the state emergency council as authorized by section 35-192.

E. No later than December 31 of each year the state forester shall submit a report to the joint legislative budget committee and the governor detailing the specific uses of all monies authorized to be expended from the fire suppression revolving fund and any additional monies authorized by the governor to prepare for periods of extreme fire danger and pre-position equipment and other fire suppression resources to provide for enhanced initial attack on wild land fires.

F. Monies received for suppressing wild land fires, pre-positioning equipment and firefighting resources and other unplanned all risk activities may be used for the purposes of section 37-623 and this section.

G. The state forester shall adopt rules for administering the wild land fire suppression monies authorized under this section, subject to approval of the governor.

H. The state forester may require reimbursement from cities and other political subdivisions of this state and state and federal agencies for costs incurred in the suppression of wild land fires, pre-suppression or unplanned all risk activities. Reimbursement shall be based on the terms and conditions in cooperative agreements, land ownership or negligence. The state forester may require reimbursement from individuals or businesses only for costs incurred in the suppression of wild land fires or unplanned all risk activities caused by their negligence or criminal acts.

I. A fire suppression revolving fund is established for deposit of monies received by the state forester for wild land fire suppression and pre-positioning equipment and resources and for payment for activities related to combating wild land fires and supporting other unplanned all risk activities such as fire, flood, earthquake, wind and hazardous material responses. The state forester shall not incur nonreimbursable liabilities for support of nonfire all risk activities. The state forester shall administer the fund, and all monies received for these activities shall be deposited, pursuant to sections 35-146 and 35-147, in the fund. Monies in the fire suppression revolving fund are continuously appropriated to the state forester, except that if the unobligated balance of the fund exceeds ~~six hundred thousand~~ TWO MILLION dollars at the end of any calendar year, the excess shall be transferred to the state general fund. Monies in the fire suppression revolving fund are otherwise exempt from the provisions of section 35-190 relating to lapsing of appropriations.

APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.